

A Okay.

2 Q Do you see the part that says that, "The ownership
3 changes reflected in this amendment are expressly permitted
4 by the newly amended Section 22.322 in the Rules?"

5 A Yes, sir.

6 Q Was it your understanding in June of 1933 that the
7 Commission's rules had been changed to permit at that point
8 partnership interest to be transferred?

9 A We had a knowledge from our counsel that the Rules
10 had changed, yes.

11 Q Okay. And what was the change in the Rules that
12 you understood had taken place?

13 A Just that there was a change in the rules that
14 allowed for transfers to occur.

15 Q Okay. And prior to that change in the Rules the
16 transfers could not occur, that was your understanding?

17 A That based upon advice from counsel they had told
18 us that we could not change anything. However, at the time
19 that we contacted them for each of these transactions they
20 informed us that it was okay.

21 Q Did you actually talk to counsel on this or did
22 **Mr. Bernstein?**

23 A I don't recall on that one, sir, who, in turn,
24 spoke with that, whether it was Bernstein, Clark or myself.

25 Q Okay.

1 A But we got authorization from counsel to, in turn,
2 go forward with these transactions before they happened.

3 Q Okay. Well, if you look at the partnership
4 interests that are reflected in Exhibit 1 there in Bureau
5 Exhibit 14, it's the next page beyond what you were just
6 looking at. I take it that that exhibit reflects the
7 various changes in the partnership that had occurred up
8 until that point, up until June of '93?

9 A I think that those percentages tie in to the
10 schedule that I have, if I'm not mistaken, as of that date.

11 Q Okay.

12 A I'd have to check more but I've checked two or
13 three of them and they seem to be in line.

14 Q Okay. Now is it fair to say that you waited until
15 after the FCC's Rules changed to make this legal to tell the
16 FCC that these changes had occurred?

17 A I don't know that that's a fair statement, sir.

18 Q Well, is that what you did?

19 A I'm saying that this was filed based upon the date
20 on that date. I'm not saying that the timing of that was
21 appropriate for any one purpose or another.

22 Q Well, did you deliberately wait until after the
23 Rules changed to tell the Commission that these partnership
24 interest --

25 A No.

1 Q -- had occurred?

2 A No.

3 Q Did anybody tell you you should wait until later
4 to disclose this to --

5 A No.

6 Q -- the Commission? Well, looking at Rule 22.922
7 now, the one that's been identified as Intervenor's Exhibit
8 1, do you think there was any problem with the transfer of
9 Mr. Bunis' interest in 1991?

10 A I would need an interpretation as to his
11 prohibited prior to the grant of a construction
12 authorization.

13 Q Well, your application for Texas 21 had not been
14 granted as of that date, had it?

15 A Oh, I see what you're referring to.

16 Q That's what I was --

17 A Okay.

18 Q -- talking about.

19 A When did we receive -- I'd have to ask the date
20 What is the date that we, in turn, received as selectee our
21 Texas 21?

22 Q I believe that that occurred in 1992.

23 A '92. Wouldn't these transactions have been
24 concluded prior to that?

25 Q Had they been? Had they been completed before

1 that?

2 MR. HILL: Your Honor, I object.

3 (Multiple voices.)

4 THE WITNESS: I don't know. I'm asking.

5 JUDGE STEINBERG: Hold it. There's an objection.

6 Well, if the witness doesn't understand the question --

7 MR. HILL: I think that's one thing to ask for
8 clarification --

9 JUDGE STEINBERG: Okay. But instead of --

10 (Multiple voices.)

11 MR. HILL: -- when they're answering each others
12 questions back and forth.

13 JUDGE STEINBERG: Yeah. That's a good point. Why
14 don't you start again because --

15 MR. EVANS: All right.

16 JUDGE STEINBERG: -- I lost track.

17 BY MR. EVANS:

18 Q I think what you were asking me, Mr. Jones, was
19 hadn't these transactions been -- and I take it by
20 transactions you're referring to the shifting of partnership
21 interest. You said hadn't those been concluded prior to
22 Alee being selected in Texas 21? Is that what you were
23 asking me?

24 JUDGE STEINBERG: Well, **look**, the original
25 question was when was Texas 21 not CP granted but when it

1 was --

2 MR. HILL: Selected.

3 JUDGE STEINBERG: Selected.

4 BY MR. EVANS:

5 Q Selected.

6 A I don't know the date.

7 Q Well, why do you need the date? I mean what does
8 that do for you?

9 A Well, if we were not the selectee and had these
10 transactions occurred prior to that then how could we be in
11 violation of a Texas 21 selectee position when we weren't
12 even the selectee?

13 Q Okay. Well, let s --

14 A I'm just confused. Maybe I don't understand.

15 Q Well, let's just -- maybe your exhibit, your
16 direct case exhibit, tells when Texas 21 was selected. I
17 think the designation order actually gives the --

18 JUDGE STEINBERG: "Chosen," paragraph seven, YOU
19 know, "Was chosen as tentative selectee on April 8, 1992
20 during the re-lottery." "

21 THE WITNESS: Okay.

22 JUDGE STEINBERG: So Alee became the selectee, the
23 tentative selectee, April 8th of '92.

24 MR. EVANS: Okay.

25 BY MR. EVANS:

Q Does that date identify for you, Mr. Jones, when -

2

3 A Yes, sir.

4 Q Okay. And do I understand your testimony
5 correctly to be that you think that prior to the time that
6 Alee was selected as the Texas 21 selectee that you could
7 make changes in your partnership interests without regard to
8 Section 22.922?

9 A I don't think it's without regard, sir. You know,
10 once again, I'd have to discuss with counsel and see the
11 actual timing of the event, but we received -- we contacted
12 counsel and we got their permission to go forward with each
13 and every one of these transactions before we did a change
14 because we were originally told that no changes could take
15 place at all. When we had this issue with Bunis --

16 Q well, wait a minute. When you say originally what
17 do you mean originally?

18 A At the time that we obtained counsel from Hopkins
19 & Sutter.

20 Q Well, actually, didn't somebody tell you way back
21 when when the issue with Mr. Sharifan first came up that you
22 couldn't make any changes?

23 A Are you talking about Mr. Franklin or anyone else?

24 Q Mr. Franklin or Mr. Kane or anybody else. Didn't
25 somebody tell you at that point that one of the reasons you

1 had a problem was that you couldn't change any partners?

2 A I don't recall specifically on that issue, sir.

3 Q Well, did you have any understanding at that time,
4 and by that time I mean 1988-1989, that you couldn't change
5 partners?

6 A I don't recall at that time whether I did or I
7 didn't. I know specifically with Hopkins & Sutter
8 communications were much clearer, they were more advisory
9 and they, in turn, were communicating with continuously and
10 that was when the Executive Committee became extensively
11 involved and we terminated Allan Kane, who was buffering a
12 lot of information and documentation from us.

13 Q Okay. But that happened, as I understand your
14 testimony, in 1990.

15 A Correct.

16 Q And the changes we've been talking about happened
17 between 1990 and 1992, right?

18 A Once again, it would be after capital call number
19 seven that the transfer took place to Bunis.

20 Q Okay. Which was in 1991, right?

21 A Once again, without documentation I'll have to go
22 by what --

23 Q Well, I think I showed you --

24 (Multiple voices.)

25 A I think it would have been --

1 Q -- the documentation.

2 A -- approximately in '91, yes. You showed me June
3 of '91.

4 Q Right.

5 A I think I have a note here.

6 JUDGE STEINBERG: In any event, it was nailed down
7 earlier.

8 MR. EVANS: Right.

9 BY MR. EVANS:

10 Q All right. Let me ask you one other thing.
11 Directing your attention again to Section 22.922, which is
12 Intervenor's Exhibit No. 1, do you see the part that says,
13 "This restriction on transfers of interest in such cellular
14 applications shall include any form of alienation ncluding
15 option arrangements?"

16 A Sir, can you redirect -- oh, okay, down n this
17 area.

18 Q It's the last sentence.

19 A Yes, I see that.

20 Q Now at this time, let's say starting in 1990, you
21 had an option arrangement with Metro Mobile CTS and then
22 Bell Atlantic, right?

23 A Subject to approval of the license, yes.

24 Q Well, you had an agreement whereby they -- those
25 entities could acquire a five percent interest in Alee,

1 right?

2 A In strictly the New Mexico license if and when it
3 was approved.

4 Q Okay. Well, was the option interest that Bell
5 Atlantic held in Alee that you've just described was that
6 ever disclosed in the Texas 21 application?

7 A Whose option?

8 Q The f ve percent option of Bell Atlantic of
3 Metro --

10 A I don t know that Bell Atlantic had a five percent
11 option, sir.

12 JUDGE STEINBERG: No. It was Metro Mobile CTS.

13 THE WITNESS: Metro Mobile CTS has a five --

14 (Multiple voices.)

15 BY MR. EVANS:

16 Q -- Metro Mobile CTS and wasn't that assigned to
17 Bell Atlantic?

18 A I don't know that the option went through to Bell
13 Atlantic, sir.

20 JUDGE STEINBERG: We didn't discuss that. We
21 discussed the management agreement going through to the
22 two -- to Bell Atlantic and Altell.

23 MR. EVANS: Oh, I *see*.

24 BY MR. EVANS:

25 Q Okay. Well, Metro Mobile CTS certainly had a five

1 percent option.

2 A Yes, sir, in New Mexico 3 only

3 Q How do you know it was only for New Mexico 3?

4 A I think your documentation reflect that, sir.

5 Q My documentation?

6 JUDGE STEINBERG: Exhibit 16.

7 THE WITNESS: The exhibits.

8 MR. EVANS: Okay.

9 JUDGE STEINBERG: Your Exhibit 16.

10 Is that what you're referring to, Mr. Jones?

11 THE WITNESS: I think it's their Exhibit 17.

12 JUDGE STEINBERG: Okay. Thanks.

13 BY MR. EVANS:

14 Q Okay. Well, do you know whether that option was
15 ever disclosed to the Commission in connection with New
16 Mexico 3?

17 A I do not know.

18 Q Was there some intention on the part of Alee to
19 conceal that five percent option?

20 A No. None whatsoever.

21 Q was there any discussion about keeping it
22 confidential so that the FCC wouldn't know about it?

23 A Not at all.

24 Q Let me direct your attention to Bureau Exhibit 13,
25 which -- sorry, I guess that has not been identified yet so

1 let me pause and identify that.

2 JUDGE STEINBERG: Okay.

3 MR. EVANS: Previously exchanged Bureau Exhibit
4 13.

5 JUDGE STEINBERG: You don't have any problem with
6 this, Mr. DeJesus, do you?

7 MR. DeJESUS: No, Your Honor.

8 JUDGE STEINBERG: Okay. Is that sort of goes for
9 all of your exhibits if Mr. Evans wants to use them?

10 MR. DeJESUS: Yes, Your Honor.

11 JUDGE STEINBERG: Okay.

12 MR. DeJESUS: They're part of the public domain.

13 MR. EVANS: It's a fairly lengthy document. I'll
14 ask Mr. Jones if --

15 JUDGE STEINBERG: I've got 68 pages.

16 MR. EVANS: 68. Okay.

17 MR. EVANS: It's a 68 page document which begins
18 with a cover page from Mr. Hill and it's got a date stamp of
19 the FCC saying, "Received May 11, 1992."

20 JUDGE STEINBERG: The document described will be
21 marked for identification as Bureau Exhibit 13.

22 (The document referred to was
23 marked for identification as
24 Enforcement Bureau's Exhibit
25 No. 13.)

BY MR. EVANS:

2 Q Okay. Do you have that document before you, Mr.
3 Jones?

4 A Yes, I do.

5 Q I'm going to ask you to look at the -- well, have
6 you ever seen that before?

7 A Yes.

8 Q When did you see it?

9 A Most recently in reviewing the documents that I
10 have before me.

11 Q You mean today or sometime in the recent past?

12 A In the recent past.

13 Q How recently?

14 A I reviewed it again about approximately a month or
15 so ago.

16 Q Did you see it when it was originally filed back
17 in 1992?

18 A As a member of the Executive Committee I would
19 have received a copy of it at that time.

20 Q All right. Now as of May 11, 1992 when this was
21 filed Mr. Bunis' interest had already changed, hadn't it?

22 A Based upon the document you gave to me I believe
23 that date was June of '91.

24 Q Right. So that was almost a year before this
25 document was filed, right?

1 A Correct.

2 Q Now if you look at page two of the amendment, what
3 would be page three of the entire exhibit but page two of
4 the amendment. do you see there paragraph four of the
5 amendment?

6 A Yes, sir.

7 a And it reflects certain changes in the addresses
8 of certain Alee partners, doesn't it?

9 A Correct.

10 Q Is there anything there that indicates the change
11 in Mr. Joel Bunis' partnership interest?

12 A Not that I can see on that page.

13 a Is there anything anywhere else in the document
14 that disposes of it?

15 A You want me to review all 60 pages, sir, or how
16 far do you want me to go?

17 JUDGE STEINBERG: Well, review what you have to to
18 answer the question.

19 THE WITNESS: Okay.

20 JUDGE STEINBERG: Unless there's maybe the
21 stipulation that there is or there isn't.

22 BY MR. EVANS:

23 Q Yeah. Why don't we *take a minute* and look through
24 it?

25 (Off the record at 11:50 a.m.)

1 (On the record at 11:52 a.m.0

2 JUDGE STEINBERG: Okay. Thank you.

3 THE WITNESS: Based upon the review of the
4 document it doesn't appear that it's stated in there, sir.

5 BY MR. EVANS:

6 Q Do you know why Mr. Bunis' change of partnership
7 interest was not disclosed?

8 A I do not know why

9 Q All right. Thank you, sir. I think I'm going to
10 leave that exhibit as identified but we'll introduce it with
11 Ms. Clark, who actually signed the exhibit. All right.
12 Let's change gears for a second.

13 JUDGE STEINBERG: Is it something you can wrap up
14 before noon or do you want to take a lunch break now? I'll
15 leave it up to you or do you want to go until a quarter
16 after 12:00? That's fine with me. I'll leave it up to you.

17 MR. HILL: This is a good breaking point but I'll
18 leave that to Mr. Evans.

19 MR. EVANS: I've got something that might be about
20 10 minutes.

21 JUDGE STEINBERG: Okay.

22 MR. EVANS: Okay.

23 JUDGE STEINBERG: Did you want to offer
24 Intervenor's Exhibit 1 while we're --

25 MR. EVANS: Yeah. I think I will go ahead and

1 offer that just more for your convenience than anything
2 because it's sometimes hard to come up with these initial
3 Rules.

4 JUDGE STEINBERG: I have all of them in my office
5 going back to the '70s.

6 MR. EVANS: Oh, okay.

7 JUDGE STEINBERG: Until we moved over here and I
8 was told I wouldn't have room for them and I tossed them.
9 Then I have enough room for Pike & Fisher if I wanted and I
10 tossed that, too. My own copy of Pike, my own personal
11 copy, but now I have to use Pike & Fisher I have to go to
12 the stupid library and somebody has to always tell me where
13 it is. Okay. Humor. Reflect humor. Okay. Offer
14 Intervenor's -

15 MR. EVANS: Yes, I will offer it.

16 JUDGE STEINBERG: Any objections?

17 MR. HILL: I have no objections subject to
18 verification that this --

19 JUDGE STEINBERG: Sure.

20 MR. HILL: -- indeed, is the 1992 version of it.

21 JUDGE STEINBERG: Okay.

22 Mr. DeJesus, any objection?

23 MR. DeJESUS: No, Your Honor

24 JUDGE STEINBERG: Intervenor's Exhibit 1 is
25 received.

1 (The document referred to,
2 previously identified as
3 Intervenor's Exhibit No. 1,
4 was received into evidence.)

5 MR. EVANS: I guess while we're at it let me offer
6 what's been identified as Bureau Exhibit 23, the partnership
7 agreement.

8 JUDGE STEINBERG: Okay.
9 Any objections?

10 MR. HILL: No objections.

11 JUDGE STEINBERG: Bureau Exhibit 23 is received.
12 (The document referred to,
13 previously identified as
14 Enforcement Bureau's Exhibit
15 No. 23, was received into
16 evidence.)

17 BY MR. EVANS:

18 Q Maybe one quick matter we can talk about, Mr.
19 Jones, before the lunch break. You said yesterday that you
20 recall the change that you made in your written direct
21 testimony?

22 A Yes, sir.

23 Q And I think you indicated in response to some
24 questions from Mr. DeJesus that the reason for the change
25 was that you had reviewed some documentation that caused you

1 to change what you originally had in there --

2 A Mm-hmm.

3 Q -- is that right?

4 A Yes.

5 Q What specifically was the documentation that you
6 reviewed?

7 A I created a time line of events as a result of
8 documentation that was from the original hearing and the
9 dates that they, in turn, provided there from the
10 documentation contained herein and realized that I had
11 misstated that statement because I was unaware of Mr.
12 Sharifan's condition as an alien until that date that I cut
13 the check to reimburse him. So that statement was incorrect
14 that I had made.

15 Q Okay. But you did know in late 1989 that there
16 was an alien who had been in the partnership, right?

17 A We had been informed that an alien was in the
18 partnership, that he had been replaced and the name was
19 never disclosed to us.

20 Q Okay. Well, would it have been accurate then in
21 looking at your exhibit, page eight of your direct case
22 exhibit, to say that as a result of the foreign partner
23 matter but not with Mr. Sharifan's name there?

24 MR. HILL: Oh, this is argumentative. Objection.

25 JUDGE STEINBERG: Overruled.

1 THE WITNESS: I'm sorry? What page --

2 BY MR. EVANS:

3 Q If I understood correctly what you just said, when
4 you checked back your documentation you realized that you
5 didn't know that Sharifan was the partner in 1989, right?

6 A Correct.

7 Q And so that's why this statement was incorrect as
8 originally written?

9 A On page eight?

10 Q Right.

11 A That is correct.

12 Q Okay. But you did know that there was a problem
13 with a foreign partner in 1989, right?

14 A We were made aware that there was a foreign
15 partner but that partner had been taken care of and replaced
16 with a United States citizen.

17 JUDGE STEINBERG: Now were you aware of this in
18 late 1989, just in general, that there was a foreign partner
19 but the partner had been replaced?

20 THE WITNESS: Yes.

21 BY MR. EVANS:

22 Q Okay. But you've now changed what your testimony
23 says to say that that was not -- it was not because of that
24 matter that the partnership became that your interests
25 weren't being served but, rather, it was because of the risk

1 sharing and Allan Kane control issues, right?

2 A That is correct

3 Q Did you feel that the partnership interests were
4 being served in connection with the foreign partner matter?

5 A I don't understand that question.

6 Q Well, there was a problem with an alien partner in
7 Alee

8 A Correct.

9 Q Did you feel that the partnership interests were
10 being served by the people that were running it at that time
11 in connection with the foreign partner matter?

12 A Once again, as a partner we were informed by OUL
13 counsel at that time, who was Franklin and Mr. Kane, that
14 the foreign partner issue was taken care of and they had
15 replaced the alien with a United States citizen. There was
16 no further discussion on that issue after that point.

17 Q Okay. So at that time you didn't think of the
18 foreign partner issue as being a problem?

19 A No.

20 Q In 1989?

21 A Not at all. And the belief of the partners is
22 that that issue was resolved and taken care of.

23 Q Okay. But --

24 A That was the information provided by Allan Kane

25 JUDGE STEINBERG: And that was your belief?

1 THE WITNESS: That was my belief, yes.

2 JUDGE STEINBERG: That it had been taken care of
3 and it wasn't a problem?

4 THE WITNESS: That's correct.

5 BY MR. EVANS:

6 Q Okay. And at that time you didn't -- you weren't
7 thinking that Alee had any exposure because of that to the
8 FCC?

9 A No, sir.

10 Q Okay. But in late 1989 did you think Alee had
11 some exposure because of the risk sharing agreement?

12 A The risk sharing agreement at that time became an
13 issue and Mr. Kane's control, or attempt to control, the
14 partnership became a major issue. We decided to terminate
15 him because we were not getting information from Mr. Kane.

16 Q How did the risk sharing issue or the risk sharing
17 matter become an issue?

18 A Once again, I'm going back from memory because I
19 don't have documents in front of me. I believe that it was
20 in the process of being disclosed.

21 Q So some of the other partnerships that were
22 involved in the risk sharing agreement were disclosing it to
23 *the* Commission at that time?

24 A I'm not sure of the exact facts, sir, but -- and
25 the exact dates but I believe that there was concern about

1 that issue at that time.

2 Q Well, what I'm trying to get from you is what was
3 the concern?

4 A What was our concern?

5 Q Yeah.

6 A Whether the risk sharing issue was within
7 compliance of the FCC. We were informed that it was and now
8 it was being questioned.

9 JUDGE STEINBERG: Who was questioning it?

10 THE WITNESS: All I remember is correspondence and
11 conversations that said that the risk sharing was
12 potentially an issue.

13 JUDGE STEINBERG: And what was your understanding
14 at that time of an issue?

15 THE WITNESS: That although we were informed that
16 the risk sharing was okay to enter into that *it* was now
17 being questioned by I don't recall whom, whether it was
18 another group of attorneys or something of that nature. I
19 don't specifically remember.

20 BY MR. EVANS:

21 Q So you started to have concerns as to whether your
22 involvement, Alee's involvement, in the risk sharing
23 agreement was lawful or *not*?

24 A I don't recall specifically the exact timing of
25 that issue but ultimately, yes, as to whether it was in the

1 early part of '90 or the later part of '89 the risk sharing
2 I believe was an item of discussion. The major concern was
3 the Allan Kane control issue.

4 Q Okay. Well, let me just ask you one other thing
5 about that. You testified yesterday I believe that Mr. Kane
6 told you that there had -- words to the effect that there
7 had been a problem with an alien partner but that it was
8 resolved, right?

9 A That it was taken care of.

10 Q It was taken care of. Were those his exact
11 words --

12 A Yes.

13 Q -- that, "It was taken care of?" And this took
14 place at a meeting in late 1988 as I understand it, right?

15 A It would have been December of '88.

16 Q Okay. You were at the meeting?

17 A That was our first partnership meeting, yes.

18 Q You were at the meeting?

19 A Yes, sir.

20 Q Were you happy with Mr. Kane's treatment of that
21 issue?

22 A I was unaware of the effects of that issue at that
23 time.

24 Q Well, did someone ask who the alien was?

25 A Yes, specifically me.

1 Q And what were you told?

2 A That it was taken care of and there's no sense
3 getting into it at this point in time.

4 Q Did they tell you --

5 (Multiple voices.)

6 A We weren't supposed to be concerned about it.

7 Q -- did he tell you you didn't need to know who the
8 alien was?

9 A Specifically, yes. There was no need to know.

10 Q Okay. And you were fine with that?

11 A I wasn't overly pleased with it but as long as the
12 matter had been taken care of and we could go forward.

13 Q Well, when you refer to the Allan Kane control
14 issue, which is the way you've revised your testimony here,
15 are you referring to the fact that Mr. Kane didn't give you
16 information as partners that you needed?

17 A That is correct.

18 Q And wasn't this an instance of Mr. Kane not giving
19 you information?

20 A It was one of many.

21 Q This might be a good time to break.

22 JUDGE STEINBERG: Was this foreign partner matter
23 the first of the things that Mr. Kane withheld from you or
24 was it -- I mean I don't understand.

25 THE WITNESS: I don't know whether it was the

1 first or whether anything else had been withheld at that
2 time but Mr. Kane controlled the information. Afterwards we
3 found out that he controlled the information and limited our
4 access to information.

5 JUDGE STEINBERG: Okay.

6 THE WITNESS: He filtered the information that
7 came to the partnership.

8 JUDGE STEINBERG: Okay. Now the foreign -- the
9 alien ownership matter you said came up at the first
10 partnership meeting?

11 THE WITNESS: Yes, sir.

12 JUDGE STEINBERG: Were there instances before then
13 of your not being satisfied with information Mr. Kane gave
14 to you?

15 THE WITNESS: That was our first partnership
16 meeting, the first time that the partners actually met each
17 other. We were all unknown to one another.

18 JUDGE STEINBERG: And how about the first time you
19 met Mr. Kane?

20 THE WITNESS: It was the first -- no, that was the
21 second time I met Mr. Kane.

22 JUDGE STEINBERG: Okay. Did you have any -- I'm
23 looking for the right word. Were *you* in any way skeptical
24 of the information you were getting from **Mr.** Kane at the
25 first meeting?

1 THE WITNESS: I think everything was a little
2 fresh to the partners at that time and we were just getting
3 whatever information we could concerning our selectee being
4 selected and trying to get the partnership moving forward at
5 that time was the major focus.

6 JUDGE STEINBERG: But at the time of the first
7 partnership meeting did Mr. Kane give you any reason or do
8 you have any reason in your mind as to why you would not
9 trust or believe anything Mr. Kane told you?

10 THE WITNESS: There would have been no reason at
11 that time.

12 JUDGE STEINBERG: Okay. So is it fair to say --
13 never mind.

14 Do you want anything else?

15 MR. EVANS: Yeah. Just a couple of more
16 questions.

17 BY MR. EVANS:

18 Q You actually -- the partnership actually elected
19 Mr. Kane as the manager at that meeting, didn't it?

20 A Yes, they did.

21 Q But from what you just told us it sounds like even
22 at that meeting you were starting to have some concerns
23 about Mr. Kane's *withholding the information*, is that right?

24 A It became apparent after that meeting and through
25 subsequent conversations and documentation that was sent